IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 3301 OF 1992

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge?

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MOHANBHAI JERAMBHAI BHALODI & ORS. - Petitioner(s)
Versus
MOTI KHILORI JUTH SEVA SAHAKARI MANDALI LTD. & ANR. - Respondent(s)

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Appearance :
MR. N.D. NANAVATI for Petitioner(s) : 1 - 4.
NOTICE SERVED for Respondent(s) : 1,
NOTICE NOT RECD BACK for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 17/06/2006

ORAL JUDGMENT

1. By way of this petition under Articles 226 and 227 of the Constitution of India, the petitioners have prayed to quash and set aside the order passed below Exh.4 by the learned Member of the Board of Nominee, Rajkot, dated 18th March, 1992 in Lavad Case No.66 of

1992, as well as the judgement and order passed by the Gujarat State Cooperative Tribunal dated 8th May, 1992 in Revision Application No.70 of 1992.

2. While admitting the present Special Civil Application, the learned single Judge passed the following interim order on 13th May, 1992:

> *"(1) The Deputy Registrar, Election Cell, Gujarat High Court is directed to hold the election for three seats of Society Constituency and two seats of Individual Constituency, in accordance with law.*
>
> *(2) Till the election of the President and Vice President is held, neither Kishorbhai Andipara and Ganjibhai nor Shamjibhai Gokalbhai Savalia and Goganbhai Rukhadbhai shall act or function as President and Vice President of the Sangh. The day to day administration of the Sangh shall be carried on by the Manager of the Sangh. In the event of any important decision which may be required to be taken, he shall obtain prior approval of the Managing Committee. In that event, he shall call the meeting of the Managing Committee by sending agenda through Registered Post A.D. five days before the meeting. He shall also send requisition to the*

District Registrar for deputing some responsible officer for attending the meeting for supervision.

(3) The order passed by the Board of Nominees, in Lavad Case No.66/92 on 18.3.1992 also will not survive. But at the same time, it is understood that there shall not be more than one monthly meetings till the elections are held, as regards the day to day affairs of the Society, and if at all they participate in the meeting, they shall see to it that no huge financial liabilities are involved in any of the decisions taken or any policy decision is taken till the elections are held."

3. Pursuant to the interim order, the elections must have been held and normally, the term is three to five years and the term must have been expired and two to three fresh elections must have been held. Hence, the present Special Civil Application has become infructuous by afflux of time. The same is, accordingly, disposed of. Rule is discharged. Interim relief, if any, granted earlier shall stand vacated.

[M. R. Shah, J.]

*kamlesh**